IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1279 OF 2003
IN
INCOME TAX APPEAL(LOD.) NO.365 OF OF 2003

The Commissioner of Income-tax ..Appellant.

V/s.

M/s.Marwar Textiles (Agency) Ltd. ..Respondent.

Mr.R.G.Bhatt for appellant.

Mr.S.J.Mehta for respondent.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 28TH NOVEMBER, 2006.

P.C. :-

Heard Mr.Bhatt in support of this Motion. Mr.Mehta appears for the respondent. Motion seeks condonation of delay of 248 days in filing the appeal. Supporting affidavit is filed giving the explanation that the department was undergoing restructuring. Mr.Mehta appearing for the respondent has opposed the condonation of delay. Even so considering that the question of law involved in the main appeal is pending in this Court in another proceedings between the same parties, we allow the Motion. Delay condoned. That will be on payment of costs of Rs.1,500/- to the respondent. Cost to be paid within 2 weeks. Appeal be numbered.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)